

November 8, 2004

The Walton County Board of Commissioners held its regular monthly meeting on Monday, November 8, 2004 at 6:00 p.m. in the Courthouse Annex V Conference Room, 132 East Spring Street, Monroe, Ga. Those present included Chairman Kevin Little, Commissioners Clinton Ayers, Michael Turner, Phil Green, Lamar Palmer, Gerald Atha and John Robinson, County Clerk Leta Talbird, County Attorney Ken Lander, Associate County Attorney Bill Childers, Financial Officer Merridy McDaniel, Personnel Director Janice Holland and Planning Director Mike Martin. A list of citizens and other employees in attendance at this meeting is on file in the auxiliary file under this meeting date.

Larry Garner of the Walton County Hospital Authority presented a donation in the amount of \$199,425.00 for the purchase of a new ambulance and new emergency services equipment.

Chairman Little called the meeting to order at 6:20 p.m. and led those present in the Pledge of Allegiance. Commissioner Green opened the meeting in prayer.

Commissioner Green made a motion to adopt the agenda presented. Commissioner Turner seconded the motion. Commissioner Green amended his motion to add acceptance of the donation of funds for the emergency medical service and to change the order in which certain agenda items will be heard. Commissioner Turner seconded the amended motion. All voted in favor.

Commissioner Turner made a motion, seconded by Commissioner Green, to approve the minutes of the September 30, 2004 and October 5, 2004 meetings. All voted in favor.

Personnel Director Janice Holland presented a resolution giving each Defined Benefit Plan participant a one-time irrevocable election to purchase all or a portion of past service credit. Steve Vaughn and Larry Rothemel of GEBCorp were present to answer questions. Commissioner Turner made a motion to adopt the resolution. Commissioner Robinson seconded the motion; voted and carried unanimously.

Commissioner Ayers made a motion to table a decision on a Planning Commission recommendation to approve a land use change and rezone from A-1 to R-1 with Open Space Conservation Overlay for Key Builders, Inc. until the December 7, 2004 meeting at the request of the applicant with the stipulation that the request will be heard at that meeting or the applicant must request a withdrawal. Commissioner Green seconded the motion; voted and carried unanimously.

Commissioner Ayers made a motion to table a decision on a Planning Commission recommendation to approve a rezone request from A-1 to R-1 w/ Open Space Conservation Overlay for Harrington Homes – Grady Smith Road until the December 7, 2004 meeting with the stipulation that the request will not be delayed again. Commissioner Robinson seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve a rezone request from B-1 to B-3 for Jeff Crowe. The effected property is located on Karlee Boulevard and is further identified on WC Tax Map C 49, Parcel 19F. The purpose of the request is to rezone 1.25 acres to B-3 for an office warehouse. Chairman Little opened the public hearing on the matter. Jeff Crowe came before the Board in support of the rezone. Mr. Crowe

requested that the application fee be refunded because the property is located in the business park he developed a few years ago and the zoning requirements have since changed. There was no one present in opposition to the rezone. Chairman Little closed the public hearing on the matter. Commissioner Turner made a motion to approve the rezone and to refund the application fee. Commissioner Ayers seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a rezone request from A-1 to R-1 for Sheryl Durden. The effected property is located at 1930 H.D. Atha Road and is further identified on WC Tax Map C 77, Parcels 87 & 88. The purpose of the request is to rezone 5.99 acres to R-1 for residential. Chairman Little opened the public hearing on the matter. Sheryl Durden came before the Board in support of the rezone. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Green made a motion to approve the rezone with the condition that there would never be a subdivision developed on the property with lots smaller than one-acre. Commissioner Robinson seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve a rezone request from A-1 to R-1 with Open Space Conservation Overlay for Robert H. Peters and Robert Stribling. The effected property is located on Lee Peters Road and is further identified on WC Tax Map C 61, Parcel 74. The purpose of the request is to rezone 52+- acres to R-1 with OSC Overlay for a single-family subdivision. Chairman Little opened the public hearing on the matter. Attorney Mike Malcom, representing the applicant, came before the Board in support of the rezone. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Ayers made a motion to approve the rezone conditioned upon minimum 2,000 sq. ft. homes and 15 acres of greenspace in the subdivision. Commissioner Atha seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve a rezone request from R-1 to R-1 with Open Space Conservation Overlay for Central Georgia Development. The effected property, owned by Gerald Carter & Larce Carter, is located on Etchison Road and is further identified on WC Tax Map C 60, Parcel 73. The purpose of the request is to rezone 70 acres to R-1 with OSC Overlay for a single-family subdivision. Chairman Little opened the public hearing on the matter. David Willett, representing the applicant, came before the Board in support of the rezone. The property owners, Larce & Gerald Carter were also present. David Whitehouse and Pat McDonald expressed concerns regarding the development. After further discussion, Chairman Little closed the public hearing on the matter. Commissioner Ayers made a motion to approve the rezone conditioned upon 25% minimum masonry front on the houses, the playground will be something compatible or similar to the one in Maple Creek or greater and will be a commercial swing set and playground type equipment, contingent upon the Walton County Water & Sewerage Authority taking another look at this to make sure that it meets the standards for the water pressure, a minimum of 1,800 sq. ft. houses as required in the code and a commitment to sign the right of way agreement related to the Grady Smith Road project. Commissioner Turner seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve a rezone request from A-1 to A-2 with Open Space Conservation Overlay for Jug Tavern Enterprises. The effected property is located on Old Monroe Madison Hwy. and is further identified on WC Tax Map C183, Parcels 3M, 3N & 3Q. The purpose of the request is to rezone 19+- acres to A-2 w/ OSC Overlay for a single-family subdivision. Chairman Little opened the public hearing on the matter. Sharon Satterfield with Remax Preferred came before

the Board on behalf of the applicant. There was no one present in opposition to the rezone. Chairman Little closed the public hearing on the matter. Commissioner Atha made a motion to approve the rezone to A-2 with OSC Overlay conditioned upon 7-gallon evergreens along the buffer, 5-gallon shrubs around the homes and uniform mailboxes. Commissioner Green seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a rezone request from A-1 to R-1 with 2,400 sq. ft. Overlay for GERG, Inc. The effected property, owned by Troy M. & Patricia Rogers, is located on Bailey Circle and is further identified on WC Tax Map C 9, Parcel 30. The purpose of the request is to rezone 60.39 acres to R-1 with 2400 Overlay for a single-family residential subdivision. Chairman Little opened the public hearing on the matter. Troy Rogers came before the Board in support of the rezone. Norma Billingsley, Jimmy McCullers, Ken Archer, James Bailey, Sid Gordon and Huey Long came before the Board citing their concern regarding increased traffic and the current condition of both Bailey Circle and Green Avenue. Chairman Little closed the public hearing on the matter. Commissioner Turner made a motion to approve the rezone conditioned upon minimum 2,400 sq. ft. all brick houses and the Walton County Water & Sewerage authority verifying that there is adequate water pressure in the area. Commissioner Ayers seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve a rezone request from A-1, A-2 & MH to R-1 for Adam & Krista Sparks and Clinton & Connie Ayers. The effected property is located on Hudson Road and is further identified on WC Tax Map C 34, Parcels 11 & 12. The purpose of the request is to rezone 3.04 acres to R-1 to split lots into 3 residential lots with a variance for lot width. Commissioner Ayers recused himself from discussion or a vote on the request. Chairman Little opened the public hearing on the matter. Adam Sparks came before the Board in support of the rezone. There was no one present in opposition. Commissioner Turner made a motion to approve the rezone. Commissioners Turner, Green, Atha and Robinson voted in favor. Commissioner Ayers abstained. The motion carried 4-0.

The Board considered a Planning Commission recommendation to approve a rezone request from A-2 to B-2 for Scott Smith. The effected property, owned by CC&C Enterprises, is located on Ga. Hwy. 81 & Brookview Drive and is further identified on WC Tax Map N 51D, Parcel 1. The purpose of the request is to rezone .038 acres to B-2 to incorporate with the applicant's other B-2 property. Chairman Little opened the public hearing on the matter. Scott Smith of CC&C Enterprises came before the Board in support of the rezone. Mike Lenahan spoke in opposition to the rezone. Mr. Lenahan submitted a petition signed by the residents of Brookview Manor subdivision opposing the rezone. Kathy White also spoke in opposition, citing traffic issues and the possible increase of thefts and burglaries in the area as reasons for opposing the rezone. Chairman Little closed the public hearing on the matter. Commissioner Green made a motion to deny the rezone. Commissioner Ayers seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a Conditional Use request for a guesthouse for William & Sarah Johnson. The effected property is located at 1625 Pratt Road and is further identified on WC Tax Map C 54, Parcel 360J. Chairman Little opened the public hearing on the matter. Terry Ledford, son-in-law of the applicants, came before the Board in support of the request. There was no one present in opposition. Commissioner Green made a motion, seconded by Commissioner Ayers, to approve the Conditional Use. All voted in favor.

At 8:10 p.m., Commissioner Palmer entered the meeting.

At 8:11 p.m., Commissioner Turner made a motion to briefly recess the meeting. Commissioner Ayers seconded the motion. All voted in favor.

At 8:25 p.m., Chairman Little called the meeting back to order.

The Board considered a Planning Commission recommendation to deny an amendment to the WC Land Development Ordinance – OA04080017 – Amendment to Article 4, Part 1, Section 180. The proposed amendment would allow for the revitalization of existing manufactured home parks. Chairman Little recused himself from discussion or a vote on the amendment. Vice Chairman Robinson opened the public hearing on the matter. Planning Director Mike Martin reviewed the proposed amendment, with comments from County Attorney Ken Lander and Associate County Attorney Bill Childers. There was no one present in opposition to the amendment. After further discussion, Vice Chairman Robinson closed the public hearing on the matter. Commissioner Ayers made a motion to deny the amendment. Commissioner Atha seconded the motion. Commissioners Ayers, Turner, Palmer, Atha and Robinson voted in favor of the motion. Commissioner Green opposed the motion. The motion carried 5-1.

The Board considered personnel new hires and promotions for the record. Commissioner Turner made a motion, seconded by Commissioner Ayers, to approve new hires and promotions as presented. All voted in favor.

District Attorney Ken Wynne requested that the FY05 budget be amended to provide for an additional investigator and victim-witness assistant. He stated that these positions would be paid for from victim surcharge monies for the remainder of this budget year. He stated that the victim-witness assistant will continue to be fully funded by the victim surcharge monies next fiscal year, but the investigator position would need to be funded by the County. Commissioner Turner made a motion to approve the request with the understanding that if adequate funds are available in the FY06 budget, the Board will consider FY06 funding of the investigator position at that time. Commissioner Palmer seconded the motion; voted and carried unanimously.

Commissioner Robinson made a motion, seconded by Commissioner Turner, to approve the 2005 holiday schedule as recommended by the Benefits Committee. All voted in favor.

Commissioner Turner made a motion to approve contracts & budgeted purchases of \$2,500.00 or greater as presented. Commissioner Atha seconded the motion; voted and carried unanimously.

Commissioner Robinson made a motion, seconded by Commissioner Ayers, to approve EMS patient refunds as presented. All voted in favor.

The Board considered a S.P.L.O.S.T. budget transfer in the amount of \$200,000.00 from interest on the bond proceeds to purchase furnishings for the new government building. Commissioner Turner made a motion to approve the transfer and to give the Transition Committee the authority to spend the funds for furnishings. Commissioner Robinson seconded the motion; voted and carried unanimously.

The Board discussed employee merit increases. No decision was made on the matter.

Commissioner Turner made a motion, seconded by Commissioner Ayers, to approve a contract with Harris Custom Programming, Inc. for software for the Clerk of Superior Court. All voted in favor.

Commissioner Robinson made a motion to approve a Purchase of Services contract with Greg Bullock. Commissioner Green seconded the motion; voted and carried unanimously.

Commissioner Turner made a motion, seconded by Commissioner Ayers to approve a letter of engagement with Treadwell, Tamplin & Company to perform an audit of the records of Habitat for Humanity of Walton County. All voted in favor.

Commissioner Turner made a motion to approve a Memorandum of Understanding with the Georgia Department of Transportation for the following quick response projects: OSAP0M00200905 – SR 20 @ Sharon Church Road and OSAP0N00200906 – SR 11 @ Bold Springs Road. Commissioner Green seconded the motion; voted and carried unanimously.

Commissioner Robinson made a motion to amend the agenda to discuss the donation of property by Judge Homer Stark. Commissioner Palmer seconded the motion; voted and carried unanimously.

Associate County Attorney Bill Childers updated the Board regarding the donation of land located adjacent to West Walton Park by Judge Homer Stark. Commissioner Robinson made a motion to authorize Chairman Little to execute all documents associated with the donation of the Stark property. Commissioner Palmer seconded the motion. All voted in favor.

Commissioner Robinson made a motion to approve an Intergovernmental Service Agreement with the Development Authority of Walton County for the lease of building that currently houses the Commissioners Office located at 132 East Spring Street. Commissioner Green seconded the motion; voted and carried unanimously.

Commissioner Green made a motion, seconded by Commissioner Atha, to approve a contract with Athens First Bank & Trust for CDR Check Image Delivery for the Finance Department. All voted in favor.

Commissioner Robinson made a motion to table a decision on a Nextel telephone contract for the new Chief Magistrate Judge until the December 2, 2004 meeting in order for the Judge-elect to come before the Board to justify the need for the telephone. Commissioner Turner seconded the motion; voted and carried unanimously.

Commissioner Green made a motion to approve the following refunds as recommended by the Tax Assessors' Office: Virgil L. Lambert & Laura C. Lambert - \$435.60 and Melissa Shawn Faulkner - \$30.45. Commissioner Ayers seconded the motion; voted and carried unanimously.

The Board considered paving of a portion of Adamson Drive. Chairman stated that the estimate for the project is \$67,689.90. Commissioner Robinson made a motion to approve the project. Commissioner Ayers seconded the motion. All voted in favor.

The Board considered a request to pave a portion of Meadow Lane. Chairman Little stated that the estimate for the project is \$17,009.00. Commissioner Robinson made a motion to deny the request. Commissioner Ayers seconded the motion; voted and carried unanimously.

Commissioner Turner made a motion to initiate the abandonment process for that portion of Sandy Creek Road located within Sandy Creek Cove subdivision. Commissioner Green seconded the motion. All voted in favor.

The Board considered a request from the City of Loganville for a sewer

easement on the County's property at Tom Brewer Road & Twin Lakes Road. Commissioner Turner made a motion to approve the easement with the condition that the City of Loganville restore anything disturbed due to running the sewer line, including sod and pipe. Commissioner Turner further moved to authorize the County Attorney to draft an Intergovernmental Agreement for the sewer easement and to authorize the Chairman to sign the necessary documents. Commissioner Ayers seconded the motion; voted and carried unanimously.

Commissioner Atha made a motion to approve plaques as presented for the following facilities: Fire Station #4, West Walton Senior Center, Walton County Work Release, Walton County Mental Health and the Walton County Government Building. Commissioner Green seconded the motion. All voted in favor.

Commissioner Turner made a motion to re-appoint Coleman Landers and Neal Jackson to the Development Authority of Walton County. Commissioner Atha seconded the motion; voted and carried unanimously. Mr. Landers' 2-year term will expire on 11/30/05 (this appointment should not have been considered until 2005 and will need to be reconsidered at the appropriate time). Mr. Jackson's 1-year term will expire 11/30/05.

Associate County Attorney Bill Childers reviewed waiver of county taxes on property donated to the County by Avondale Mills. Commissioner Turner made a motion to forgive the County taxes owed on the property and for the County to pay its prorated share of the State and School taxes. Commissioner Green seconded the motion; voted and carried unanimously.

Commissioner Green made a motion to approve the purchase of a copier for the District Attorney's Office. Commissioner Palmer seconded the motion; voted and carried unanimously.

Major Travis Brown of the Sheriff's Office requested the Board approve a request for funding from the Georgia Crime Information Center to offset the cost of replacing the current live scan machine. Commissioner Turner made a motion to authorize the Sheriff's Office to request funding from G.C.I.C., amend the budget for the purchase of the live scan machine and to purchase it if the County is awarded the grant. Commissioner Ayers seconded the motion. All voted in favor.

Commissioner Robinson made a motion to table a decision on adoption of a resolution approving transmittal of the Capital Improvements Element of the Impact Fee Program to Northeast Georgia RDC for review until the December 2, 2004 meeting. Commissioner Green seconded the motion; voted and carried unanimously.

The Board discussed the composition of the Planning Commission. Commissioner Robinson stated that the Walton County Board of Education should have a non-voting seat on the Commission for discussion to bridge the gap between the two entities. Chairman Little agreed to schedule meetings with the Walton County School Superintendent monthly to improve communications regarding zoning actions.

At 10:40 p.m., Commissioner Turner made a motion to enter into executive session. Commissioner Ayers seconded the motion. Commissioners Ayers, Turner, Green, Palmer, Atha and Robinson voted in favor.

At 11:05 p.m., Commissioner Turner made a motion, seconded by Commissioner Green, to return to regular session. Commissioners Ayers, Turner, Green, Palmer, Atha & Robinson voted in favor. No votes were taken while in executive session.

At 11:07 p.m., Commissioner Turner made a motion, seconded by Commissioner Ayers, to adjourn the meeting. All voted in favor.

All documents of record for this meeting are on file in either the addendum book or auxiliary file under this meeting date.

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| <hr/> KEVIN W. LITTLE, CHAIRMAN | <hr/> LETA P. TALBIRD, CLERK |
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| <hr/> CLINTON AYERS, DISTRICT 1 | <hr/> MICHAEL TURNER, DISTRICT 2 |
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| <hr/> HARRY P. GREEN, DISTRICT 3 | <hr/> LAMAR PALMER, DISTRICT 4 |
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| <hr/> GERALD ATHA, DISTRICT 5 | <hr/> JOHN ROBINSON, DISTRICT 6 |
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